

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
ROSARIO RAMIREZ, as Administrator of the :
Estate of Juan Baten, deceased, and :
as the Guardian of D.E.B.R., an infant, :

Plaintiff, :

-against- :

CHIP MASTERS, INC., ALBERTO CEJA, :
ALBERT CEJA, and FOOD EQUIPMENT MFG., :

Defendants. :
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ORDER

11-CV-5772 (WFK) (MDG)

WILLIAM F. KUNTZ, II, United States District Judge:

This action was originally filed on November 28, 2011. (Dkt. 1). On May 10, 2012, this Court granted Plaintiff's motion for a default judgment and referred the issue of damages to United States Magistrate Judge Marilyn Go for a Report and Recommendation. (Dkt. Entry, entered 5/16/12). At a May 16, 2012 evidentiary hearing before Magistrate Judge Go, Plaintiff was given permission to supplement her motion to amend and to provide the Court with a proposed amended complaint. (Dkt. Entry, entered 5/17/12). Plaintiff was subsequently granted leave to amend the complaint and Defendants Alberto Ceja, Albert Ceja, and Food Equipment Manufacturing were added to this action. (Dkt. 15). This Court then referred the entirety of Plaintiff's second motion for default judgment to Magistrate Judge Go for a Report and Recommendation. (Dkt. Entry, entered 7/10/13). "Throughout this litigation, none of the defendants have appeared, filed any opposition to [P]laintiff's motions or otherwise communicated with the Court." (Dkt. 29 at 3).

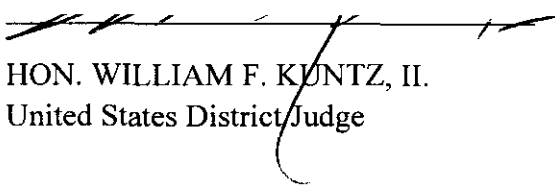
On March 4, 2014, Magistrate Judge Go filed a Report and Recommendation recommending “that the Court grant [P]laintiff’s motion for default judgment against the newly added defendants and award [P]laintiff \$1,983,853 in damages against all [D]efendants.” (Dkt. 29 at 27). The Report and Recommendation recounted the horrific facts surrounding the death of Juan Baten; analyzed the propriety of the claims against the newly added Defendants; calculated appropriate damages; and ultimately concluded that Plaintiff was entitled to \$1,983,853 in damages. (*Id.*). Objections to the Report and Recommendation were required to be filed by March 21, 2014. (*Id.*); Fed. R. Civ. P. 72(b)(2). No objections have been filed and the time to do so has passed.

The Court reviews a Report and Recommendation for clear error when no objections have been filed, *see Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007) (Garaufis, J.), and we find no such error here. The Court therefore adopts the Report of Magistrate Judge Go in its entirety.

It is hereby ordered that Plaintiffs be awarded damages in accordance with the Report and Recommendation. (Dkt. 29). The Clerk of Court is directed to enter judgment in the amount of \$1,983,853 and close the case.

SO ORDERED.

s/WFK


HON. WILLIAM F. KUNTZ, II.
United States District Judge

Dated: March 24, 2014
Brooklyn, New York